

### **REMARKS**

Claims 10-25 are now pending in the application. By this paper, Claims 15, 23, and 25 have been amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **CLAIM OBJECTIONS**

Claims 15 and 25 have been amended to correct a typographical error by deleting the term "plate" from line 2 of each of Claims 15 and 25. The amendments do not relate to patentability, and further, do not narrow the scope of Claims 15 and 25. Reconsideration and withdrawal of the objection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 10, 15, 16, 21, and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE Patent No. 25 08 645 to Vollrath in view of U.S. Patent No. 6,024,410 to Yoshida.

Claims 11, 13, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vollrath in view of Yoshida as applied to Claims 10, 15, 16, and 23-25 above, and further in view of U.S. Patent No. 5,842,738 to Knoll et al.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vollrath in view of Yoshida as applied to Claims 10, 15, 16, and 23-25 above, and further in view of U.S. Patent No. 4,600,240 to Suman et al.

These rejections are respectfully traversed.

The combination of Vollrath (German Patent No. 25 08 645) and Yoshida (U.S. Patent No. 6,024,410) fails to teach or suggest a seat assembly including a headrest assembly having a second housing rotatably supported by a first housing, a cross-member fixedly attached to the first housing, a lock member engaging the cross-member in a locked position, and a lever rotatably attached to the cross-member. Furthermore, Applicants respectfully submit that the combination of Vollrath and Yoshida fails to teach or suggest a seat assembly including a headrest assembly having a lock mechanism coupled to a recliner mechanism, whereby a coil spring engages a cross-member to restrict rotation of a second housing of the headrest assembly when the recliner mechanism is in a locked position and disengages the cross-member to permit rotation of the second housing of the headrest assembly when the recliner mechanism is in an unlocked position.

Vollrath fails to disclose a cross-member in engagement with a lock member and having a lever rotatably attached thereto. Vollrath discloses a headrest assembly including a first frame member (12) rotatably supported by a seat frame (1). See Vollrath at Figure 1. A cross member (2) extends between two portions of the seat frame (1) and includes a spring (5) axially surrounding a body portion thereof. See Vollrath at Figure 1. An actuation mechanism having an actuation handle (13) is in

communication with the spring (5) to allow for selective rotation of the first frame member (12) relative to the seat frame (1). See Vollrath at Figure 1.

While Vollrath discloses a spring (5) wrapped around a body portion of a cross member (2) and in communication with an actuation handle (13), Vollrath fails to disclose that the cross member (2) (extending between portions of the seat frame (1)) is in engagement with the spring (5) and includes a lever *rotatably attached* thereto. Rather, the spring (5) is formed around a body portion of the cross member (2), which extends generally between portions of the seat frame (1), while the actuation handle (13), which the Examiner identifies as the “lever” of independent Claim 16, extends at an end of a rod (10), which is disposed generally between portions of the first frame member (12). In other words, the actuation handle (13) is associated with a rod (10), which is separate than the cross member (2) to which the spring (5) is associated.

With regard to independent Claim 23, Applicants note that the combination of Vollrath and Yoshida fails to teach or suggest a headrest assembly having a lock mechanism coupled to a recliner mechanism. Rather, Vollrath discloses a headrest mechanism for use with a seat assembly while Yoshida discloses a double-sided seat reclining apparatus having a pair of rotary-cam type reclining devices. See Vollrath at Figure 1 and Yoshida a Col. 4, Ins. 25-28. Neither Vollrath nor Yoshida teaches or suggests a seat assembly including a headrest assembly having a locking mechanism coupled to a recliner mechanism. Therefore, Applicants respectfully submit that the combination of Vollrath and Yoshida fails to teach or suggest a coil spring that engages a cross-member of a headrest assembly to restrict rotation of a second housing of the headrest assembly when a recliner mechanism is in a locked position and disengages

the cross-member to permit rotation of the second housing when the recliner mechanism is in an unlocked position. Rather, Vollrath discloses a headrest assembly that is operated independently from a recliner mechanism while Yoshida discloses a recliner mechanism that is operated independently from a headrest assembly.

In light of the foregoing, Applicants respectfully submit that each of independent Claims 16 and 23, as well as Claims 10-15, 16-22, and 24-25, respectively dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 12, 14, 18, and 20 include allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because independent Claims 16 and 23 are believed to be in condition for allowance in light of the foregoing remarks, Applicants have not amended independent Claims 16 and 23 to include the identified allowable subject matter.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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